

Constitution & By-Laws



St. Paul Evangelical Lutheran Church
A Congregation of the Lutheran Church-Missouri Synod
7720 Goodrich Road
Clarence Center, NY 14032

Adopted the Third Sunday of Easter 1975
April 13, 1975
(As Amended through July 19, 2005)

Whereas:

- Christians should practice fellowship with those who profess the true faith (Acts 2:42; Hebrews 10:24-25);
- They should endeavor to keep the unity of the faith (Ephesians 4:1-6; I Corinthians 1:10);
- As a body they should administer the office of the keys; i.e., to preach the Gospel and administer the sacraments and to forgive and retain sin (John 20:21-23; Matthew 18:17-20);
- A body should do all things decently and in order (I Corinthians 14:40);

Therefore, we the undersigned, herewith adopt the following constitution and its by-laws, according to which all affairs of the congregation, both spiritual and temporal, shall be conducted.

ARTICLE I

The Name

The Name of this congregation shall be Saint Paul Evangelical Lutheran Congregation of Clarence Center, Town of Clarence, County of Erie, in the State of New York.

ARTICLE II

The Confessions

The congregation accepts and acknowledges all of the canonical books of the Old and New Testaments as the inspired Word of God, and all the Symbolical Books of the Evangelical Lutheran Church contained in the Book of Concord (1580) as a true and sound exhibition of Christian doctrine taken from and in full agreement with the Holy Scriptures. In this congregation no doctrine shall be taught or tolerated which is at variance with these Symbols of the Evangelical Lutheran Church. These Symbolical Books are:

- 1) The Three Ecumenical Creeds (Apostolic, Nicene, and Athanasian)
- 2) The Unaltered Augsburg Confession
- 3) The Apology of the Augsburg Confession
- 4) The Smalcald Articles
- 5) Luther's Small Catechism
- 6) Luther's Large Catechism
- 7) The Formula of Concord

No lesser nor greater subscription to these confessional principles shall be required. According to this norm of doctrine all controversies which may arise in this congregation shall be decided and adjudicated.

ARTICLE III

Affiliation

A. To accomplish a worldwide mission, this congregation may find it mutually beneficial to affiliate with other Lutheran congregations by joining a Lutheran synod. As a member of a synod, this congregation, to the best of its ability, is to support the synod and assist it in effecting its mission and ministry in the building of the kingdom of God under the Gospel of Jesus Christ. This congregation shall have the right, at any time, to discontinue its affiliation with a synod, to affiliate with another Lutheran synod, or to become an independent

congregation so long as this congregation adheres to the confessional standard set forth in Article II of this constitution.

- B. Should this congregation decide to establish or discontinue affiliation with a synod, such a proposal must be submitted in writing to all voting members of the congregation at least one month before it is brought to a Voters Assembly for consideration. The proposal must also be announced in the public worship service on two consecutive Sundays before it can be considered by the Voters Assembly. The establishment or discontinuance of affiliation with a synod shall require the approval of a two-thirds majority of the voting members present at two consecutive Voters Assembly meetings to become effective.
- C. In any synodical affiliation, the decisions, actions, and constitution of the synod, and the decisions and actions of its convention shall be honored by this congregation unless they are in violation of this congregation's constitution and by-laws. Decisions and actions of this congregation, if they are in accordance with the constitution and by-laws of this congregation, shall always take precedence over any decisions or actions of the synod.
- D. In any synodical affiliation, the ownership of and rights to all properties of this congregation shall remain with this congregation. Under no circumstances shall the ownership or rights to any properties of this congregation be relinquished to any synod. If this congregation should discontinue affiliation with a synod, that synod shall have no jurisdiction whatever over the properties of this congregation.
- E. Affiliation – This congregation shall be a member of the Lutheran Church-Missouri Synod.

ARTICLE IV

Membership and Duties

Membership in this congregation included those who fulfill the following:

A. BAPTIZED MEMBERSHIP – Baptized members are all members who have been baptized in the Name of the Father, Son, and Holy Spirit, including children on their membership roles who have not yet been confirmed in their baptismal vows.

B. COMMUNICANT MEMBERSHIP – includes those who:

- a. Are baptized in the Name of the Father, Son, and Holy Ghost;
- b. Accept all canonical books of the Old and New Testament as the only divine rule and standard of faith and life;
- c. Are familiar at least with Luther's Small Catechism and before witnesses declare their acceptance to it;
- d. Attend Divine Services faithfully;
- e. Lead Christian lives and do not live in manifest works of the flesh (Galatians 5:19-21)
- f. Partake of the Lord's Supper frequently;
- g. Contribute regularly and faithfully, as God has prospered them, toward the building of Christ's kingdom in the congregation and throughout the world
- h. Devote their time and talents to the extension of the Kingdom of God;
- i. Permit themselves to be fraternally admonished and corrected when they have erred.

Proposals for membership shall be made by the pastor to the church council, subject to ratification by the Voters Assembly.

C. VOTING MEMBERSHIP – Only such members of this congregation as have completed their eighteenth (18) year and have signed this constitution shall be entitled to vote, and only such voting members

in good standing as have completed their twenty-first (21) year and have been a voting member of this congregation for one (1) year shall be eligible for an office in the congregation.

ARTICLE V

Release of Members

A member in good standing who desires to withdraw from membership in this congregation shall receive upon application in writing to the Pastor, a certificate of release. A released member, in severing his connection with the congregation, thereby surrenders all rights and privileges as a member of Saint Paul Evangelical Lutheran Congregation and all claims upon its property. Release shall be effective immediately and reported to the next church council meeting or Voters Assembly for ratification.

ARTICLE VI

Church Discipline

Should an erring member of this congregation, after due admonition according to the rule prescribed by Scripture (Matthew 18:15-20), where observation of the rule is possible, refuse to conform to Christian doctrine and conduct, he shall be declared excommunicate by two-thirds majority vote of the voters assembled. The excommunicant forfeits all rights and privileges of a member of this congregation and all claims upon its property. The same forfeiture applies to those who refuse to submit to the rule prescribed by Scripture (Matthew 18:15-20).

ARTICLE VII

Removal of Non-attending Members

A member who without due notice and cause continually fails to attend divine service and or refuses to submit to church discipline, or who removes or secludes himself, beyond reasonable contact with the congregation shall, after all reasonable attempts to put him her in contact

with other Lutheran congregations have failed, upon recommendation of the Board of Elders, have his/her name stricken from the membership role and be deprived of all rights and privileges of a member of this congregation by a 2/3 majority vote of the Voters Assembly.

ARTICLE VIII

Powers of the Congregation

The Voters Assembly shall have supreme authority in the external and internal management of all administrative and ecclesiastical affairs of this congregation. However, all decisions and actions of the Voters Assembly must be in accordance with the confessional standard set forth in Article II of this constitution.

- A. The Voters Assembly has ultimate authority and responsibility for the care, custody, and disposition of all congregational properties. If, at any time and for any reason, this congregation should divide, dissolve, or merge with another congregation, the ownership of all properties of this congregation and all the benefits connected therewith shall be determined by a two-thirds majority of the Voters Assembly.
- B. The right of calling pastors and other called persons to serve this congregation shall be vested solely in the Voters Assembly of this congregation this right shall never be abridged by any synod or synodical official, and it shall never be delegated to any other body within or outside of this congregation, or to any individual person.
- C. The pastoral office of this congregation shall be conferred only upon a minister or candidate for the ministry who are members of and endorsed by the Lutheran Church–Missouri Synod. Such acknowledgement and acceptance of this confessional standard (in Article II) shall also be required of any other person called to serve this congregation.
- D. The Voters Assembly, in Christian and lawful order, may remove a pastor, or any other called person, or a congregational officer from office for one or more of the following reasons: Persistent departure from the confessional standards set forth in article two of this constitution; leading a scandalous life; inability to perform the duties associated with the office or the willful neglect of them. Such

removal shall be determined by ballot, and shall require the approval of a 3/4 majority of the Voters Assembly.

ARTICLE IX

The Church Council

The church council shall be empowered by the Voters Assembly to conduct the usual business of the congregation between the scheduled Voters meetings. The officers of the church council have no power beyond that which is assigned to them by the Voters Assembly and whatever powers are delegated to them may be revoked by the Voters Assembly.

ARTICLE X

Officers, Boards, Committees

The officers of this congregation shall be such officers, boards and committees as the by-laws of this congregation prescribe.

ARTICLE XI

Organizations within the Congregation

All organizations within the congregation which influence its welfare shall be promoted, established and maintained only with the consent of the Voters Assembly and remain under its control. The supervision and guidance of such organizations shall be the responsibility of the pastor and/or the church council.

ARTICLE XII

Literature and Music

In the public services of this congregation only that music and literature which is in conformity with Article II of this constitution may be presented. Likewise in the catechetical program of this congregation, only

those materials in conformity with Article II of this constitution may be used to present the doctrinal position of this congregation.

ARTICLE XIII

By-Laws

This congregation may adopt such by-laws as may be required for the accomplishment of its purposes by 2/3 majority casting their vote in favor of such by-laws at a regularly scheduled Voters Assembly.

ARTICLE XIV

Unalterable or Unamenable Articles

Only Article II and Article XIV shall be unalterable or unamendable. All other articles are alterable or amendable insofar as they do not change or compromise Article II in any way.

ARTICLE XV

Amendments

To amend or repeal any amendable or repealable article of this constitution the proposed change must be presented in writing for two consecutive regularly scheduled Voters Assemblies and adopted by those assemblies by a 2/3 majority vote. The changes become effective immediately following adoption no amendment or repeal may be made which changes the effect of Article II.

BY-LAWS

Paragraph 1

Admission into Membership

COMMUNICANT MEMBERSHIP:

1. By confirmation - confirmation itself being a reception into membership, all who are received by this sacred act are received in to communicant membership.
2. By transfer - persons coming with a communicant letter of transfer from a sister Lutheran Church provided they conform in all respects to the requirements of this congregation shall be received by the pastor (and elders) whose action is to be ratified in the next following Voters Assembly or church council meeting.
3. By profession of faith - other persons shall submit their applications to the pastor or elders and having given evidence to the pastor (and one elder), they shall be received as communicant members, to be ratified by the next following Voters Assembly or church council meeting.
4. All new communicants shall receive a copy of the congregation's constitution and by-laws.

VOTING MEMBERSHIP:

1. Reception - an applicant for voting membership shall give notice to his/her intention to the pastor or one of the elders and shall read a copy of the congregational constitution and bylaws which shall be furnished to him. Upon signing the constitution at a regularly scheduled Voters Assembly, he/she shall be declared a voting member.
2. Duties - it shall be the duty of every voting member to attend the Voters Assembly. By failing to attend such meetings a member waives the right to cast his vote during that meeting. He shall accept nominations to office, committee appointments, etc., if possible, and

generally participate in the business activities of the Voters Assembly. A voting member who is absent from four consecutive regularly scheduled of Voters Assemblies without offering a valid excuse to the secretary prior to the meeting shall have his name removed from the roster of voting members; however, he may be reinstated by reapplying for voting membership and having such application approved by 2/3 of the members present.

Paragraph 2

Church Council

The church council shall be composed of the pastor, the president, vice president, secretary, treasurer, financial secretary, chairman of parish education, the chairman of the board of elders and the Superintendent of building and ground. Other boards and committees may be appointed by the church council as the needs may arise, i.e. property and maintenance, youth work, planning and church development, public relations, etc. The president serves as the chairperson of the church council. The church council shall meet once each month. Should a vacancy occur on the church council, the council shall be empowered to fill the unexpired term by appointment.

The trustees shall have custody and control of all temporalities and property, real or personal, belonging to the congregation, and they shall see to it that they are kept presentable and in good repair. They shall be authorized to make expenditures to the extent of \$300 without special resolution of the congregation. In all business and legal matters they shall act as the representatives of the congregation.

Paragraph 3

President and Vice-President

The term of office of the president and of the vice-president shall be three years concurrently. The president shall preside at all meetings of the

Voters Assembly. In his/her absence, the vice-president shall perform the duties of the office. In the absence of both the president and the vice president the pastor shall call the meeting to order, and a chairperson shall be immediately elected from the voters assembled who shall conduct the meeting.

In the event of a vacancy in the office of president, the vice president shall succeed to the office for the remainder of the term.

Secretary

The term of office of the secretary shall be three years period the secretary shall keep accurate minutes of the meetings of the Voters Assembly and the church council for the permanent records of the congregation and shall perform other duties in keeping with his her office. He/she shall conduct all authorized correspondence and issue all official notifications.

Treasurer

The term of office for treasurer shall be three years period he shall pay all of the bills authorized by the congregation. He/She shall keep accurate records of the receipts and disbursements of the congregation in books which shall be and remain the property of the congregation. All of these books shall be audited annually and a report of such auditing shall be submitted to the annual Voters Assembly. He/She shall submit a report at each council and Voters Assembly.

Financial Secretary

The term of office for a financial secretary shall be three years. It shall be his/her duty to receive and record in books for that purpose, and deposit in the congregations depositories all congregational funds, including offerings, contributions, special collections, loan subsidies, requests, etc. A report of all receipts shall be submitted to the treasurer at regular weekly intervals. The financial secretary shall prepare a report for each meeting of the Voters Assembly and of the church council. The books of

the financial secretary shall be audited annually with a report presented to the Voters Assembly.

Chairman of the Board of Christian Education

The chairman of the board of Christian education shall be elected for a term of three years. The chairman shall appoint as many additional members as he deems necessary from the membership of the congregation, with the approval of the church council. The pastor and the Superintendent of the Sunday school shall be members of this board. The board shall hold regular meetings and shall:

1. Foster spiritual growth in the life of the individual Christian.
2. Strengthen the Christian home and help equip parents, children, and young people for Christian family living.
3. Provide learning opportunities for all age levels: preschool, school age, youth, adult and older adults.
4. Concern themselves about, direct and supervise all educational activity of the congregation.
5. Encourage the members of the congregation, especially the parents, to make use of the congregation's educational facilities.
6. Appoint the Sunday school Superintendent, subject to the approval of the Voters Assembly; His term of office shall be for one year.
7. Supervising the care and maintenance of the educational facilities.

The Chairman of the Board of Elders

The term of office of the chairman of the board of elders shall be three years. The chairman, in consultation with the pastor, shall appoint as many additional members as he deems necessary from the membership of the congregation with the approval of the church council. All members of this board shall be communicated members, at least 21 years of age. They shall:

1. Assist the pastor in all matters pertaining to the spiritual welfare of the congregation.
2. Consider complaints and grievances of members of the congregation if Matthew 18:15-16 has been fully observed, and they shall report to

the congregation those which cannot be otherwise adjusted in accordance with Matthew 18:17-18.

3. Make every effort to induce members who have been negligent in their attendance of services, in the use of the sacraments and in the financial support of the church, to mend their sinful ways and fully enjoy the rights and privileges of their membership.
4. See to it that all services are conducted in such a manner as to avoid needless disturbance and to foster an attitude conducive to worship among those in attendance.
5. Assist the pastor in arranging for pulpit assistance, special services, guest speakers, music and other related matters.
6. Appoint and supervise ushers and head usher.
7. Be concerned about the spiritual, emotional, and physical health and welfare of the pastor and his family (adequate compensation, housing, free time, vacation, assistance in times of illness, etc.)
8. Prepare a list of candidates when the congregation is to call a pastor or teacher.
9. Be concerned for aged and shut-in members and establish a program of visitation by fellow members as well as the pastor and responsible elder.
10. Be an example of Christian conduct and conversation.

Superintendent of Buildings and Grounds

The term of office of the Superintendent of buildings and grounds shall be three years. The Superintendent of buildings and grounds shall oversee the buildings and grounds of the church's properties and report to the church council what needs to be done to keep the properties in good repair and shall perform other duties in keeping with his/her office.

PARAGRAPH IV
Election and Term of Office

The officers of the congregation shall be elected for a term of three years with immediate reelection to the council possible. The manner of election shall be:

A nominating committee of three persons by the voting body shall present a slate of candidates for each office which is to be vacated. nominations for these offices shall also be possible from the floor at the annual meeting. Majority vote in secret ballot elects.

PARAGRAPH V
Meetings

Regular meetings of the Voters Assembly shall be held in January, April, July, and November at a time and date determined by the church council and announced in a church bulletin on the two consecutive Sundays preceding the day of the meeting. New officers shall be elected and a budget shall be adopted for the coming year at the November meeting. Special meetings may be called for specific purposes by the church council with prior notice given either by announcement in the church bulletin on two consecutive Sundays preceding the day of the meeting or by first class mail sent to each of voting member one week preceding the day of the meeting. 1/4 of voting membership shall constitute a quorum. Also, this congregation accepts parliamentary procedures according to Roberts Rules of Order.

PARAGRAPH VI
Calling of Pastors and Teachers

Pastors shall be called in accordance with the following procedure. This procedure shall also apply to any other person called to serve this congregation.

1. Preparation.

The board of elders shall constitute the nominating committee. On behalf of the congregation, the nominating committee shall contact the appropriate synodical officials, and shall request advice in the calling process as well as names and descriptions of possible candidates. Synodical officials may serve only in an advisory capacity. In this congregation, through the nominating committee and the Voters Assembly, shall carry out the calling process and make the final selection in accordance with this procedure.

2. Nominations.

At a properly convened meeting of the Voters Assembly, qualified candidates shall be nominated from among those proposed by the synodical officials, by the nominating committee, and by voting members from the floor. For a candidate to be considered, the candidates present status and irrelevant biographical information must be provided in writing to the voting members present at the meeting. Each proposed candidate shall be considered separately period to be nominated, a candidate must receive a majority vote on a motion to nominate.

3. Election.

the person to be called shall be elected by ballot from among the nominated candidates. The nominated candidate receiving at least 2/3 of all votes cast shall be considered elected. The election, if possible, shall be made unanimously, and a call shall be sent to the person elected.

4. Declined Call.

If a call is declined, the procedure specified in the preceding steps 1, 2, and 3, shall be repeated.

PARAGRAPH VII

Societies

In order to safeguard its Christian and Lutheran character, the congregation entrusts its pastor and church council with the supervision of all societies within the congregation. The pastor shall attend their meetings whenever possible and shall by virtue of his office have a voice and vote both in them and in their committees. No society shall arrange any public entertainment or festivity without permission of the church council.

PARAGRAPH VIII

Congregational Properties

Church Building:

1. Any society or member wishing to use the church for rallies, special services, etc., shall make request to the church council.
2. [weddings may be held in the church building when either the bride or bridegroom is a communicants member of this congregation or when approved by the board of elders and the church council upon presentation of such requests by the Pastor.] Amended 07.19.1987.
3. Members may use the church furnishings providing request is made to two or more trustees and responsibility is assumed for all equipment whether used on the premises or not.

Church Cemetery: The cemetery ground always remains the property of the congregation; However, the right of burial is given to:

1. A member of this congregation or a member of a sister congregation who previously was a member here.
2. Members who are excommunicated or who have excluded themselves from the congregation have forfeited their burial rights, including the purchase price.
3. Members who possess a burial right in transferred to a sister congregation shall, if so desired, retain such right of burial here.

4. A person who is not a member of the congregation, but whose spouse is buried in our cemetery, may be buried in our cemetery with the consent of the church council.

Parish Hall:

1. Members may use the hall and furnishings providing request is made to two or more trustees and responsibility is assumed for all equipment, whether used on the premises or not.
2. The parish hall is primarily for the use of our members, but since, in our community, outside organizations have occasion and good reason to request its use, it may be used under the following conditions:
 - a. written request must be made to the church council stating the purpose for which the hall is to be used.
 - b. If permission is granted, the conditions under which the permission is given must be observed and responsibility for all leakage must be assumed brief.

PARAGRAPH IX
Order of Business

In addition to Robert's Rules of Order, the following shall be the order of business for regular Voters Assemblies:

1. Devotion
2. Roll Call
3. Reading of the Minutes
4. Reports of Officers and Boards
5. Unfinished Business
6. New Business
7. Admission of New Members
8. Adjournment
9. Prayer

PARAGRAPH X
Amendment to By-Laws

To amend any paragraph of these by-laws it shall be necessary that, in a regular meeting of the Voters Assembly, two-thirds of all voting members present cast their vote in favor of such amendments. Such amendments shall be published in the church bulletin for two weeks prior to the Voters Assembly.

Up to date as of July 19, 2005.